

ALLTEL Corporate Services, Inc.

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ALLTEL

June 26, 1996

Mr. William F. Caton, Acting Secretary
Federal Communications Commission
1919 M Street, N.W., Room 222
Washington, DC 20554

RECEIVED

JUN 26 1996

**FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY**

In the Matter of

Implementation of the
Telecommunications Act of 1996

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CC Docket No. 96-115

Telecommunications Carrier's Use
of Customer Proprietary Network
Information and Other Customer
Information

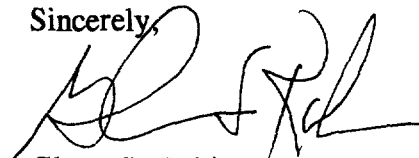
DOCKET FILE COPY ORIGINAL

Dear Mr. Caton:

Enclosed are an original and six copies of the Reply Comments of ALLTEL Telephone Services Corporation in the above-referenced proceeding.

Questions regarding these Reply Comments may be directed to me at the above address or by telephone at 202-783-3976.

Sincerely,



Glenn S. Rabin

Enclosures

cc: Janice Myles (Paper and disk copy)
International Transcription Services, Inc.

Before the
Federal Communications Commission
Washington, D.C. 20554

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CC Docket No. 96-115

REPLY COMMENTS OF ALLTEL Telephone Service Corporation

Glenn S. Rabin
Federal Regulatory Counsel

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Dated: June 26, 1996

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SUMMARY

ALLTEL continues to argue for a broad interpretation of the term "telecommunications services" for purposes of Section 222 of the 1996 Act in order to permit a single carrier to provide subscribers with integrated services. Further, ALLTEL believes that the privacy concerns of subscribers and their needs for integrated telecommunications service offerings are best balanced by requiring written authorizations only for the disclosure of CPNI information to third parties. Further, where the subscriber has been provided with written notice of their CPNI rights, a carrier may infer an existing subscriber's consent to the carrier's use of CPNI until otherwise notified by the subscriber.

With respect to competitive concerns arising from the use of CPNI, ALLTEL notes, as do a number of other carriers, that there is support for, at a minimum, relieving small carriers of any subscriber authorization requirement imposed by the Commission. These carriers do not generally exercise market power in their local exchange territories.

ALLTEL argues that new Section 222(e) of the Communications Act does not require the Commission to promulgate new and detailed rules governing the provision of subscriber list information. Rather, the reasonable and non-discriminatory standards set forth in Section 222(e) should govern the provision of this information.

**Before the
Federal Communications Commission
Washington, D.C. 20554**

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REPLY COMMENTS OF ALLTEL Telephone Service Corporation

ALLTEL Telephone Services Corporation ("ALLTEL") hereby submits its reply comments in the above-captioned matter. In support thereof, the following is respectfully set forth.

In its comments, ALLTEL noted that small, independent local exchange carriers are ill-equipped to shoulder the technical, organizational and financial challenges which may result from the imposition of new and broad-reaching CPNI requirements. A number of diverse parties agreed.¹

¹ See in this connection the Comments of USTA at pages 3-4; Comments of MFS Communications Company ("MFS") at pages 2-8;

ALLTEL's comments also echoed the sentiments of numerous parties suggesting that the Commission adopt a broad reading of the term "telecommunications services" for purposes of Section 222 of the 1996 Act ² and that the Commission require written authorizations only for CPNI disclosures to third parties.³ SBC Communications agreed that, where the customer receives written notification of their CPNI rights, carriers may infer an existing subscriber's consent to the carrier's use of CPNI unless the subscriber otherwise notifies the carrier.⁴ Many parties, including ALLTEL, opposed any requirement for notice of the availability of aggregate CPNI,⁵ or the imposition of detailed rules to implement the subscriber list provision of Section 222(e) of the 1996 Act.⁶

ALLTEL acknowledged at page 2 of its comments that the Commission must strike the appropriate balance among customers' privacy interests, the competitive equities of the new and emerging telecommunications markets and the efficiency with which all carriers, and particularly non-BOC LECs, are permitted to provide broad, integrated telecommunications services. As summarized by BellSouth, any rules adopted by the Commission should: 1) reflect reasonable customer expectations of CPNI use by carriers with whom the customer has an existing relationship; 2) minimize customer confusion; and 3)

² See Comments of USTA at pages 2-3; Comments of MFS at pages 3-5; Comments of SBC Communications at pages 5-10; Comments of Cincinnati Bell Telephone at pages 3-6.

³ See, for example, Comments of Cincinnati Bell Telephone at page 9.

⁴ See Comments of SBC Communications at page 10.

⁵ See, for example, Comments of SBC Communications at page 13;

⁶ See Comments of USTA at pages 6-7; Comments of SBC Communications at page 15.

facilitate customers' desires for one-stop shopping.⁷

In purported defense of a competitive market place, however, a number of parties suggested that all incumbent LECs be hamstrung with detailed notification and written customer authorization requirements in order to use CPNI to market integrated telecommunications service offerings.⁸ ALLTEL strenuously disagrees and notes, as it did in its comments at page 2, that Congress acknowledged the different competitive status of those local exchange carriers with less than 2% of the nation's access lines. The Commission recognized this difference as well when it tentatively concluded not to extend pre-existing CPNI rules to carriers other than AT&T, GTE and the Bell Operating Companies. (NPRM at para. 3)

Other carriers noted the inability of new entrants and companies with less than 2% of the nation's access lines to engage in anticompetitive conduct on the basis of CPNI. MFS, through analogy to the joint marketing restrictions of Section 271(e)(1) of the Act, suggests that the Commission should permit carriers with less than 5% of the nation's presubscribed lines to cross-market customers with CPNI without prior customer authorization.⁹ AirTouch, which favors the imposition of detailed CPNI authorization requirements on LECs, acknowledges that both the Congress and the Commission have distinguished the competitive status of small and mid-sized LECs and notes that the proposed CPNI requirements for

⁷ See Comments of Bell South at page i.

⁸ See, for example, Comments of the Competitive Telecommunications Association at page 10.

⁹ Comments of MFS at page 10.

written authorizations may not be appropriate for these companies.¹⁰ LDDS apparently draws a distinction between the market power of dominant incumbent LECs (such as the BOCs and GTE) and other incumbent LECs. It argues for more restrictive CPNI rules only for the RBOCs.¹¹ There is support, therefore, for tailoring any CPNI notification or authorization rules to the size of the carrier. ALLTEL believes that, at a minimum, an exemption from written authorization requirements for existing customers represents the type of distinction the Commission may provide for smaller LECs.

With respect to subscriber list information under Section 222(e), ALLTEL fully concurs with the comments submitted in this proceeding by the Yellow Pages Publisher's Association. The Act does not set forth any requirement for specific rules, let alone standards for national, uniform pricing.¹² As a producer of directories for a number of independent LECs other than the ALLTEL telephone companies, ALLTEL is keenly aware that the costs associated with obtaining and maintaining subscriber list information vary enormously among different telephone companies. No pricing standard other than the "reasonable and non-discriminatory" standard set forth in the Act should be adopted.

Nor does the Act mandate the other specific requirements advocated by ADP and others, such as incremental cost pricing, specific time frames for the availability of subscriber list information and updates, or formats. Rather, Section 222(e) proposes a standard of non-discrimination -- telephone companies must only supply subscriber list

¹⁰ Comments of AirTouch Communications, Inc. at fn.8.


¹¹ Comments of LDDS WORLDCOM at pages 3-5, 11-12.

¹² Comments of the Association of Directory Publishers ("ADP") at page 13.

information to independent publishers on the same terms and conditions as it is supplied to the affiliated publisher. Any departure from this standard may be policed by the Commission under the Section 208 complaint process.

Respectfully submitted,

ALLTEL Telephone Services Corporation

By: 

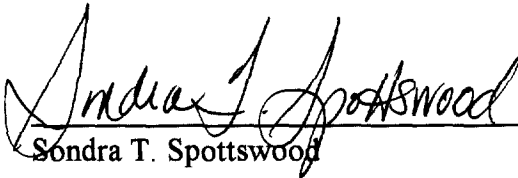
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Dated: June 26, 1996

CERTIFICATE OF SERVICE

I, Sondra T. Spottswood, hereby certify that a copy of the foregoing "Reply Comments of ALLTEL Telephone Services Corporation" was mailed this 25th day of June, 1996, via U.S. mail, first-class, postage prepaid, to the following, unless otherwise noted:


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